

REMARKS

Applicants acknowledge receipt of the Office Action mailed May 27, 2009. With the accompanying Petition for a One-Month Extension of Time, this Amendment is timely as it is being filed on or before September 28, 2009 (September 27, 2009 is a Sunday).

Amendments

Claim 1 has been amended to incorporate the recited feature of now cancelled claim 4 (i.e. that the device has a maximum absorption of 0.2 g/cm^2). This amendment is supported in the specification at page 9, lines 21-22, as well as in original claim 4. Applicants have also added new claims 36 and 37. The new claims are supported in the specification at page 7, lines 8-25.

No new matter has been added.

Prior Art Rejections

The Examiner has rejected claims 1, 3-4, 6-7, 19-20, 27-28, 30, and 32-35 under 35 U.S.C. § 102(e) as allegedly anticipated by Cleary, et al., U.S. Patent Publication No.

2003/0170308 ("Cleary"). The Examiner also rejected claim 5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cleary. Finally, claims 8-15 and 31 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cleary and Edgren, et al., U.S. Patent No. 6,245,357.

Applicants respectfully traverse these rejections.

Pending claim 1 is plainly distinguishable from Cleary. First, Cleary does not teach a device with a maximum absorption of 0.2 g/cm². The Examiner points to Table 6 on page 20 of Cleary as teaching this limitation. Applicants respectfully disagree with this analysis. Table 6 teaches an absorption of 0.223 g/cm². This value is clearly higher than 0.2 g/cm². Therefore, Clearly cannot meet the limitation that the claimed wound device has a maximum absorption of 0.2 g/cm². Accordingly, the anticipation rejection under § 102(b) must be reconsidered and withdrawn.

In support of the obviousness rejection of claim 5, the Examiner has also asserted that Cleary's teachings that (a) hydrophobic materials have limited absorptive capacity, and (b) absorbent materials have significant disadvantages when applied to wounds, would have suggested to one of skill in the art to

lower absorbent capacity of the wound dressing (Office Action, p. 3). Applicants respectfully submit that the Examiner has misinterpreted Cleary.

Cleary does not teach that decreased absorption means lower wound adhesion. For example, in Paragraph [0005], Cleary states that "water-swellable" materials are both "more absorbent" than conventional fibrous materials and "advantageous" because there is no risk of adhesion. Moreover, at Paragraph [0146], Cleary explicitly states that when a hydrogel composition is used in a wound dressing according to Cleary's invention "hydrogel compositions that exhibit a high degree of absorbency are preferred." In view of these statements, applicants submit that Cleary teaches away from using a material with low absorbency, and away from a material with a maximum absorbency of 0.2 g/cm^2 ; this is even more pronounced with respect to claim 5, which recites a maximum absorbency of 0.05 g/cm^2 .

Moreover, although Cleary does disclose the use of analgesics in connection with its hydrogel composition, it makes clear that such analgesics (and other drugs) are to be delivered by "transdermal or transmucosal routes," i.e. topically (e.g. Para. [0017]). This delivery is obviously quite different from

the present invention, in which the pain relieving agent is delivered directly into the wound.

In view of these distinctions, applicants request withdrawal of the obviousness rejection of claim 5.


With respect to the obviousness rejections over Cleary in view of Edgren, applicants note that Edgren is directed to an oral dosage form. The Examiner has not provided any reason, nor is there any such reason, why a person of skill in the art would seek to combine Edgren's teachings with those of Cleary, which is directed to a "patch-like" device. For this reason, in addition to the fact that neither reference teaches or suggests a maximum absorbency of 0.2 g/cm^2 , applicants respectfully submit that the obviousness rejection over Cleary in view of Edgren should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, applicants respectfully submit that the claims are in condition for allowance, and earnestly solicit prompt notice to that effect. If the Examiner believes a telephone call would advance prosecution, she is invited to telephone the undersigned.

Respectfully submitted,

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